

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

WINFRED LEON WALKER, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. C-07-00077
§
B CHANEY, *et al.*, §
§
Defendant. §

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DISMISS**

On February 16, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that plaintiff's action be dismissed and that his motion to proceed *in forma pauperis* (D.E. 2) be denied. The Memorandum and Recommendation recommended further that should the Court adopt the recommendation, that the dismissal be characterized as one described by 28 U.S.C. 1915(g), and that the Clerk be directed to provide a copy of the order of dismissal to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Betty Parker. On March 16, 2007, petitioner filed a Motion Requesting Court for Certificate of Appealabilit but has not otherwise filed objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and any objections raised in his Motion Requesting Court for Certificate of Appealability, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson* , 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that plaintiff's action is dismissed and his motion to proceed *in forma pauperis* (D.E. 2) is denied. The Court characterizes this dismissal as one described by 28 U.S.C. 1915(g), and the Clerk is directed to provide a copy of this order of dismissal to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Betty Parker.

The clerk shall enter this order and provide a copy to all parties.

SIGNED this 2nd day of April, 2007.



Janis Graham Jack
United States District Judge